

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

EDDIE JAMES THOMAS,

v.

STATE OF NEVADA, et al.

Respondents.

Case No. 3:22-cv-00541-ART-CLB

**Order Directing Petitioner to
Submit Application to Proceed *In
Forma Pauperis* or Pay Filing Fee**

Eddie James Thomas has submitted a *pro se* petition for writ of habeas corpus. (ECF No. 1-1.) He has not, however, either paid the \$5.00 filing fee or submitted a completed application to proceed *in forma pauperis* with the required inmate account statements for the past sixth months and financial certificate. 28 U.S.C. § 1915(a)(2); Local Rule LSR1-2.

This action therefore is subject to dismissal without prejudice as improperly commenced. However, it is unclear from the papers presented whether a dismissal without prejudice will materially affect a later analysis of any timeliness issue with respect to a new action.

IT IS THEREFORE ORDERED that within **45 days** of the date of this order petitioner must submit either the \$5.00 filing fee or a fully completed application to proceed *in forma pauperis*.

IT IS FURTHER ORDERED that failure to do so may result in the dismissal of this action without prejudice.

1 **IT IS FURTHER ORDERED** that the Clerk of Court send to petitioner two
2 copies of the application to proceed *in forma pauperis*, with instructions.

3 **IT IS FURTHER ORDERED** that the Clerk retain the petition but not file
4 it at this time.

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6 DATED THIS 12th day of January 2023.

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10 ANNE R. TRAUM
11 UNITED STATES DISTRICT JUDGE
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